

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:19-cv-257-BO

LORENZO D. BRYANT,
Plaintiff,
v.
WANDA A. BRYANT,
Defendant.

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ORDER

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge James Gates. [DE 5]. On January 22, 2020, Judge Gates recommended that this action be dismissed. For the reasons that follow, the M&R [DE 5] is ADOPTED and this action is DISMISSED.

BACKGROUND

In December 2019, plaintiff filed a *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915. Plaintiff brings a claim for damages, alleging that defendant committed perjury and fraud when she testified in divorce proceedings that both spouses lived together from the time they signed their separation agreement.

Judge Gates entered the instant memorandum and recommendation (M&R), granting the application to proceed *in forma pauperis* and recommending that plaintiff's case be dismissed for lack of subject-matter jurisdiction. Plaintiff filed no objections to the M&R.

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must only satisfy itself that there is no clear error on the

face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

The Court has reviewed the M&R and is satisfied that there is no clear error. Accordingly, the M&R is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Gates [DE 5] is ADOPTED and this action is DISMISSED. The Clerk is DIRECTED to close the case.

SO ORDERED, this 16 day of March, 2020.



TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE